

### C. Remarks

The claims are 1-15, with claims 1, 8, and 11 being independent. The independent claims have been amended to further clarify the present invention. Support for this amendment may be found, for example, in Fig. 1 and in the substitute specification at page 6, line 20, to page 7, line 2. No new matter has been added. Reconsideration of the claims is expressly requested.

Claims 1-3 and 11-13 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application No. 2005/0272169 A1 (Griffin). Claims 4, 5, and 8 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Griffin. Claims 6, 7, 9, 10, 14, and 15 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Griffin in view of U.S. Patent No. 6,432,719 B2 (Vann). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features and advantages of the presently claimed invention. That invention is related, in pertinent part, to a biochemical reaction cartridge and to a method and system utilizing this cartridge. The biochemical cartridge in accordance with the claimed invention includes a reaction portion with at least one blank reaction chamber and a solution storage portion, which is not superposed on the reaction portion when the cartridge is not in use. As a result, only the solution storage portion containing desired reaction materials may be stored at low temperatures or even in a frozen state, if desired.

Also, different solution storage portions can be independently used in combination with the same reaction portion depending on what type of inspection is desired.

Furthermore, the reaction portion has a port at a side surface thereof for permitting access to the chamber. For instance, a port, such as nozzle port 4 shown in Fig. 1, can be used to apply or reduce pressure to move the solution in the reaction portion.

Griffin is directed to a biochemical analysis device. This reference discloses that an intermediate layer is provided between a solution storage chamber containing a solution and a reaction chamber, and the solution is moved from the solution storage chamber to the reaction chamber that contains dry reagents by breaking the intermediate layer by a pin, a projection, pressurization, or heating. However, Applicants respectfully submit that Griffin fails to disclose or suggest a cartridge in which a reaction portion has a port at a side surface thereof for permitting access to the chamber, as presently claimed.

Vann cannot cure the deficiencies of Griffin. Specifically, like Griffin, Vann does not teach a cartridge with a port in a side surface of the reaction portion, as claimed.

Accordingly, whether considered separately or in combination, Griffin and Vann cannot affect the patentability of the presently claimed invention. Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Jason M. Okun/  
Jason M. Okun  
Attorney for Applicants  
Registration No. 48,512

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

FCHS\_WS 2826871v1